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12/22

PATENT  
Attorney Docket No. FJN-063 (3999/66)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Nakagawa et al.

SERIAL NO.: 09/051,670 GROUP NO.: 1643

FILING DATE: September 8, 1998 EXAMINER:

TITLE: NOVEL DNA AND PROCESS FOR PRODUCING PROTEINS BY  
USING THE SAME

**RECEIVED**

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

DEC 08 1998

MATRIX CUSTOMER  
SERVICE CENTER

Sir:

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the references are enclosed.

Also enclosed is a copy of each of the International Search Report and the Supplementary European Search Report, including an informal report citing references in the European Search Report.

**REMARKS**

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
  - the requisite Statement is below, **OR**
  - the requisite fee under Rule 1.17(p), namely **\$240.00**, is included herein, or
- (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
  - Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, **AND**

Information Disclosure Statement

Serial No.: 09/051,670

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- the requisite Statement is below, AND
- the requisite petition fee due under Rule 1.17(i)(I), namely **\$130.00** is included herein.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application.

**STATEMENT**

As required under §1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- 1. [E]ach item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application **not more than** three months prior to the filing date of the Information Disclosure Statement; or
- 2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any** individual designated in §1.56(c) **more than** three months prior to the filing of the Information Disclosure Statement.

**FEE AUTHORIZATION**

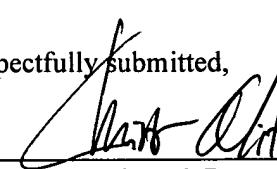
Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

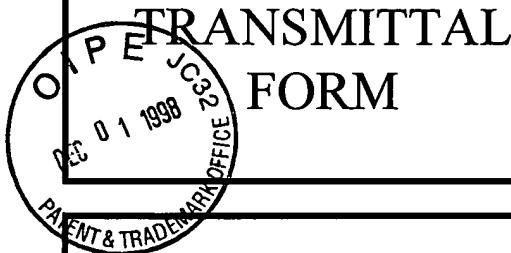
Date: 12-1-98  
Reg. No. 39,061

Tel. No.: (617) 248-7368  
Fax No.: (617) 248-7100

259CCV3999/66.689578-1

Respectfully submitted,

  
\_\_\_\_\_  
Christine C. Vito, Ph.D.  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



**TRANSMITTAL  
FORM**

Application Serial Number 09/051,670

Filing Date September 8, 1998

First Named Inventor Nakagawa

Group Art Unit 1643

Examiner Name

Attorney Docket No. FJN-063 (3999/66)

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <li><input type="checkbox"/> Formal Drawing(s)</li> </ul>	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <ul style="list-style-type: none"> <li><input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>)</li> </ul>
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> </ul>	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <ul style="list-style-type: none"> <li><input type="checkbox"/> To Convert to a Provisional Application</li> </ul>	<input type="checkbox"/> Status Letter <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Return Receipt Postcard</li> </ul>
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Additional Enclosure(s) ( <i>please identify below</i> )
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	
<input checked="" type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Small Entity Statement	
<input checked="" type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> After Allowance Communication to Group	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		

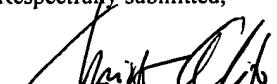
**RECEIVED**  
DEC 08 1998  
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**CORRESPONDENCE ADDRESS****SIGNATURE BLOCK**

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

Date: 12-1-98  
Reg. No. 39,061  
Tel. No.: (617) 248-7368  
Fax No.: (617) 248-7100

Respectfully submitted,

  
Christine C. Vito, Ph.D.  
Attorney for Applicants  
Testa, Hurwitz & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

October 27, 1998 13:09

EUROPEAN PATENT REGISTER / EPIDOS  
AN: 96945279.6 PN: 0870023 IPC: C12N15/12

27/10/1998

PART I - REGISTER OF EUROPEAN PATENTS (R92 EPC)

PUBLICATION NUMBER : 0870023  
APPLICATION NUMBER : 96945279.6  
PUBLISHED : 03.07.1997/A1  
INTERNATIONAL SEARCH REPORT : 03.07.1997  
INTERNATIONAL APPLICATION NR. : US9620621  
INTERNAT. PUBL. NUMBER AND DATE : WO9723614 03.07.1997  
FILING DATE : 20.12.1996  
PRIORITY : 22.12.1995/ US 577788  
CLASSIFICATION : 03.09.1996/ US 706945  
: C12N15/12, C07K14/715, C12N5/10, A01K67/027, C07K19/00, C12N15/62, C07K16/28, C07K1/107, C12Q1/68, G01N33/50, G01N33/566  
DESIGNATION : AT BE CH DE DK ES FI FR GB GR IE IT LI LU MC NL PT SE  
TITLE : OSTEOPROTEGERIN  
APPLICANT : FOR : ALL DESIGNATED STATES AMGEN INC.  
AMGEN CENTER, 1840 DEHAVILLAND DRIVE THOUSAND OAKS, CA 91320-1789/US  
INVENTOR : BOYLE, WILLIAM, J./11678 CHESTNUT RIDGE STREET/MOORPARK, CA 93021/US  
LACEY, DAVID, L./614 PASEO VISTA/ THOUSAND OAKS, CA 91360/US  
CALZONE, FRANK, J./841 RIM CREST CIRCLE/ WESTLAKE VILLAGE, CA 91362/US  
CHANG, MING-SHI/736 CALLE LAS COLINAS/ NEWBURY PARK, CA 91320/US  
REPRESENTATIVE : BROWN, JOHN DAVID, ET AL FORRESTER & BOEHMERT FRANZ-JOSEPH-STRASSE 38 80801 MUNCHEN/DE  
REQUEST FOR EXAMINATION : 12.08.1997

PART II - INFORMATION REGISTER (EPIDOS)

THIS APPLICATION IS BEING TREATED IN (/FAX-NR): MUNICH /(+49-89) 23994465  
THE PROCEDURE LANGUAGE IS (DE/EN/FR) : EN  
PCT - CHAPTER II  
REQUEST FOR PRELIMINARY EXAMINATION FILED: 21.07.1997

CHAPTER - EXTENSION OF THE PATENT

COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : AL/12.08.1997/00.00.0000  
COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : LT/12.08.1997/00.00.0000  
COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : LV/12.08.1997/00.00.0000  
COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : RO/12.08.1997/00.00.0000  
COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : SI/12.08.1997/00.00.0000

CHAPTER - CITED DOCUMENTS

THIS CHAPTER SHOWS THE ACTUAL SITUATION OF THE CITED DOCUMENTS.  
NO OBLIGATION IS TAKEN FOR THE COMPLETENESS OF ALL THE CASES.

\*\* CITED IN THE EUROPEAN SEARCH \*\*

A :US A 5 447 851

AD :US A 4 179 337

\*\* CITED IN THE EUROPEAN SEARCH \*\*

AD :CELL, VOL. 76, 25 MARCH 1994, PAGES 959-962, XP002029050 SMITH C.A. ET AL.: "THE TNF RECEPTOR SUPERFAMILY OF CELLULAR AND VIRAL PROTEINS: ACTIVATION, COSTIMULATION AND DEATH." CITED IN THE APPLICATION

A :PROC.NATL.ACAD.SCI.USA, VOL. 88, 1991, PAGES 2830-2834, XP002029051 LEWIS

M. ET AL.: "CLONING AND EXPRESSION OF CDNAS FOR TWO DISTINCT MURINE TUMOR  
NECROSIS FACTOR RECEPTORS DEMONSTRATE ONE RECEPTOR IS SPECIES SPECIFIC."  
AD :SCIENCE, VOL. 252, 1991, PAGES 1651-1656, XP000645049 ADAMS M.D.:  
"COMPLEMENTARY DNA SEQUENCING:EXPRESSED SEQUENCE TAGS AND HUMAN GENOME  
PROJECT." CITED IN THE APPLICATION  
\*\* END OF DATA \*\*